REMARKS

Applicants have received and carefully reviewed the Final Action mailed December 8, 2003. Claims 1-15, 17-22, 24-42, 44-48, 50-56, 58 and 59 remain pending, with claims 1-15, 17-22, 24-42, 44-48, 50, 53-56 and 58-59 rejected and claims 51 and 52 objected to. Claim 24 has been amended, and Figure 5 has been amended. Support for the amendments is found in the specification as originally filed, for example, at page 8, lines 17-18 for claim 24, and at page 10, lines 1-8 for Figure 5. No new matter has been added. Additionally, the limitation added to claim 24 is already in independent claims 1 and 31 and thus has been fully considered by the Examiner. The amendment to Figure 5 merely clarifies the relationship between elements 212, 214, and 216. Entry and reconsideration of this amendment in light of the following remarks are respectfully requested.

In the Office Action, the drawings were objected to under 37 C.F.R. §1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the Examiner argued that the coil, as claimed in claim 52, is shown in the drawings alongside the inner liner 212, rather than between the inner liner and outer cover, as is recited in the claim. As shown in the attached proposed drawing correction, Fig. 5 has been amended to show the coil is positioned between the inner and outer covers. Withdrawal of the drawing objection is respectfully requested. Further, formal drawings are submitted concurrent with this Amendment After Final.

In the Office Action, claims 1, 2, 13, 19, 20, 24, 27, 31, 40, 46, 47, 50, 53-56, 58 and 59 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 05-220225 in view of Samson (U.S. Patent No. 5,702,373). Applicants respectfully traverse this rejection.

Independent claims 1, 24 and 31 recite a knit tubular member formed from a plurality of interlocking loops that is generally not radially expandable. JP 05-220225 simply fails to teach either of these aspects of the invention. The Examiner states that the reference must be read in light of its plain meaning. There are at least three plain meanings of "knit", as shown in the attached printout from the Merriam-Webster Online Dictionary (obtainable at www.m-w.com), including (1) to tie together; (2) to link firmly or closely; and (3) to form by interlacing yarn or thread in a series of connected loops with needles. Given the different plain meanings possible for "knit", the skilled artisan would logically turn to the figures in the Japanese reference in an attempt to determine which meaning of "knit" was intended by the reference. The figures,

especially Figures 5A and 7A, show the wires in a woven or crisscross pattern. The figures in JP 05-220225 clearly do not show interlocking loops, as is recited in the instant claims. The Examiner appears to be selecting a definition of "knit" that is contrary to the figures in the reference, in order to assert the reference teaches the claimed invention. Applicants submit that, without using the instant specification for guidance, the skilled artisan would interpret the "knitted" reinforcing layer of JP 05-220225 as a woven or crisscross pattern, as is clearly shown in the reference's figures. While the English translation of the Japanese abstract uses the word "knitted", there is no teaching or suggestion in the abstract that the reinforcing layer is formed from a plurality of interlocking loops, as is recited in the claims.

Additionally, JP 05-220225 does not teach a tubular member formed of a plurality of interlocking loops that is generally not radially expandable, as is also recited in the claims. To the contrary, one of skill in the art, upon reviewing the English abstract and figures, would likely conclude the reinforcing layer 35 was radially expandable in order to achieve the transition from the area of tightly woven wires 35A to loosely woven wires 35B. The Examiner has not indicated what language in the English abstract or which figure is being relied on for a teaching of the wire mesh not being radially expandable.

As the English language Abstract of JP 05-220225 does not teach a non-radially expandable tubular member made of interlocking loops, it fails to teach every element of the invention as claimed in independent claims 1, 24 and 31. Applicants firmly believe claims 1, 24, 31 and 54-56 are in condition for allowance. Claims 2, 13, 19 and 20 depend from claim 1 and contain significant additional elements, claim 27 depends from claim 24 and contains significant additional elements, and claims 40, 46, 47, 50, 53, 58 and 59 depend from claim 31 and contain significant additional elements. Applicants firmly believe that these claims also are in condition for allowance for at least the reasons stated above.

In the Office Action, claims 1-5, 13, 14, 18-20, 24-27, 31-33, 40, 41, 45-47, 50, 53-56, 58 and 59 were rejected under 35 U.S.C. § 102(e) as being anticipated by Leoni (U.S. Patent No. 5,772,681). Applicants respectfully traverse this rejection.

Leoni teaches a dilation catheter having an expandable balloon section. The balloon section has a reinforcement net preventing over-expansion of the balloon. The reinforcement net is made of metallic monofilaments moveable with respect to each other at the crossover points to allow expansion of the balloon section. Applicants respectfully assert that Leoni fails to teach

that which is claimed in the current invention. Namely, Leoni fails to teach a knit tubular member that is generally not radially expandable. The Examiner states that Leoni teaches an "outer cover that is generally not expandable in the section adjacent to the balloon section" (page 3, lines 1-2 of Office Action). However, the claims recite, "the knit tubular member ... is generally not radially expandable" (claims 1, 24 and 31). Therefore, in the instant claims, it is the knit tubular member, not the cover or outer member, that is not radially expandable. The part of Leoni's device that is not expandable appears to be the pipe 9. While Leoni does not clearly describe the pipe 9, the statement that "the middle section also comprises a non-expandable part having a greater length than the balloon section" (see claims 4 and 9) indicates the non-expandable part is the pipe 9. It certainly cannot be the balloon section because the balloon is clearly described as being radially expandable (see FIG. 2). Additionally, Leoni describes the non-expandable part as having a greater length than the balloon section, so the non-expandable part, by definition, must be some part other than the balloon section.

Further, there is no motivation for one to modify the device of Leoni to make the metallic mesh non-expandable. In the instantly claimed invention, the knitted tubular member that is generally not radially expandable provides strength and flexibility to the elongate shaft, wherein the purpose of the metallic mesh in Leoni's device is to allow the balloon within the mesh to expand to the configuration of a blood vessel, but to prevent over-expansion (column 2, lines 32-37). Therefore, Applicants assert that Leoni fails to teach the elements of the presently claimed invention, namely a knit tubular member formed by a plurality of interlocking loops that is not generally radially expandable.

Applicants respectfully assert that claims 1, 24 and 31 contain at least one element not taught in Leoni. Therefore, they are believed to be in condition for allowance. Claims 2-5, 13, 14, 18-20 and 54-56 depend from claim 1 and contain significant additional elements, claims 25-27 depend from claim 24 and contain significant additional elements, and claims 32, 33, 40, 41, 45-47, 50, 53, 58 and 59 depend from claim 31 and contain significant additional elements. Therefore, these claims are also believed to be in condition for allowance.

Claims 6-12, 15, 21, 28-30, 34-39, 42 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 05-220225 or Leoni and further in view of Andersen et al. (U.S. Patent No. 5,674,276). Applicants respectfully traverse this rejection. As stated above, neither JP 05-220225 nor Leoni teach the claimed invention and Andersen et al. fail to remedy the

shortcomings of JP 05-220225 or Leoni. For the reasons stated above, Applicants believe the rejection should be withdrawn, asserting that the stated claims are in condition for allowance.

Claims 17, 22, 44 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 05-220225 or Leoni as applied to claims 54, 1 and 58 respectively above, and further in view of Jang et al. (U.S. Patent No. 4,898,591). Applicants respectfully traverse this rejection. As stated above, neither JP 05-220225 nor Leoni teach the claimed invention and Jang et al. fail to remedy the shortcomings of JP 05-220225 or Leoni. For the reasons stated above, Applicants believe the rejection should be withdrawn, asserting that the stated claims are in condition for allowance.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully Submitted,

Jill McFadden et al.

By their Attorney,

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David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Attachment: Replacement Drawing Sheet
Dictionary Printout

Merriam-Webster Online Dictionary

Thesaurus

9 entries found for **knit**.
To select an entry, click on it.

knit[1,verb]
knit[2,noun]
close-knit
double knit
knit stitch
tight-knit

Go

Main Entry: **1knit**
Pronunciation: 'nit
Function: *verb*
Inflected Form(s): **knit** *or* **knit·ted**; **knit·ting**
Etymology: Middle English *knitten,* from Old English *cnyttan;* akin to Old English *cnotta* knot
transitive senses
1 *chiefly dialect* **:** to tie together
2 a : to link firmly or closely <*knitted* my hands> **b :** to cause to grow together <time and rest will *knit* a fractured bone> **c :** to contract into wrinkles <*knitted* her brow>
3 : to form by interlacing yarn or thread in a series of connected loops with needles
intransitive senses
1 : to make knitted fabrics or objects
2 a : to become compact **b :** to grow together **c :** to become drawn together
- knit·ter *noun*